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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,078	09/21/2001	Joel E. Cordsmeyer	BELL-0116/01114	5101
38952	7590	04/29/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			GREY, CHRISTOPHER P	
			ART UNIT	PAPER NUMBER
			2667	
DATE MAILED: 04/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/961,078	CORDSMEYER ET AL.	
	Examiner	Art Unit	
	Christopher P Grey	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the fabric structure" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claim 7 discloses "cilli code", which is not described within the specification of the disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al. (US 6363421) in view of Chisholm (US 6697970).

Claim 1 Barker et al. ('Barker' hereinafter) discloses a method for remote management of telecommunications network elements.

Barker discloses a management computer connected to an element management server. (Col 1 lines 25-35). Barker also discloses an application processor (intermediary) for interfacing the element management server and the network element (Col 1 lines 55-65).

Barker discloses a remote management computer issuing multiple commands to the element management server, and furthermore, the element management server responding to these commands (Col 1 line 66- Col 2 line 17). Barker discloses detailed status information being maintained for the network element (Col 4 lines 27-36 and Col 5 lines 17-20).

Barker does not specifically disclose gathering status information for the fabric structure and the network element being a multiplexing element. However, Chisholm discloses maintaining an inventory table for a network element, and the system

manager having summarized information concerning the identity and status of the network element and the element management server (Col 5 lines 56-66), where it would have been obvious to one of the ordinary skill in the art at the time of the invention that the combination of the element management server and network element compose the fabric structure, and that any network element may be considered a multiplexing element (Col 4 lines 45-54).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the maintenance of status information of the network element, with the maintenance of the element management server by a system manager as disclosed by Chisholm. The motivation for this modification is to maintain an inventory of status information (Col 5 lines 55-67).

Claim 2, 18 Barker discloses a TCP/IP connection between an element management system client and an element management system server, and also a TCP/IP connection between an application processor and an element management system server (Fig 3 element 32 and 28, and elements 32 and 80).

Claim 3, 19 Barker discloses the TCP/IP session as disclosed in the rejection of claim 2 and 18. Barker also discloses the use of terminal emulation (Col 26 lines 60-Col 27 line 4).

Claim 4, 20 Barker discloses the use of terminal emulation as disclosed in the rejection of claim 3. Barker discloses establishing a telnet session (Col 26 lines 60-Col 27 line 4).

Claim 5, 21 Barker discloses a TCP/IP connection as disclosed in the rejection of claim 2 and 18. Barker discloses remotely managing a network element through a special communication link (Col 1 lines 25-36). It would have been obvious to one of the ordinary skill in the art that links connect ports, where a special link would require a special port, where a special port may be specified as being an unassigned port.

Claim 6 Barker discloses each client application registering with the element manager, where registering comprises providing identification and a port (address) of the client host (Col 30 lines 45-63).

Claim 7 The combined inventions of Barker and Chisholm disclose gathering a network address in the form of an identifier as disclosed in the rejection of claim 6, where it would have been obvious to one of the ordinary skill in the art at the time of the invention to equivocate any identifier as a cilli code.

Claim 8, 23 The rejection of claim 1 discloses issuing a first and second interface retrieve commands. Furthermore, Barker discloses TCP/IP protocols (Col 4 lines 6-17), where it would have been obvious to one of the ordinary skill in the art at the time of the invention that transport protocols are often applied as protocol independent.

Claim 9, 24 The rejection of claims 8 and 24 disclose issuing the protocol independent interface retrieve commands. Furthermore, Barker discloses transport protocols (Col 4 lines 6-17), which are applied on a transport level.

Claim 10, 11, 25, 26 Barker discloses the gathering of status information of each network element as disclosed in the rejection of claim 1. However, Barker does not

specifically disclose determining a number of logical cross-connects in the multiplexing element.

Chisholm discloses an example of a network element being a wideband digital cross-connect (Col 4 lines 45-54), where it would have been obvious to one of the ordinary skill in the art at the time of the invention to manage the number of cross-connects (claim 10) and type (claim 11) within the management system (Col 4 lines 55-63) which manages the network elements (cross-connects).

Claim 12 Barker discloses a network element status table for storing status information (Fig 3 element 96).

Claim 13 Barker discloses a detailed status application that displays (report) static configuration data (Col 5 lines 17-20).

Claim 14 Barker discloses detailed status information being maintained for the network element (Col 4 lines 27-36 and Col 5 lines 17-20) and furthermore the rejection of claim 1 discloses gathering status information for the switch fabric. However, Barker does not disclose repeating gathering status information for the switch fabric for each remaining multiplexing element.

Chisholm discloses a plurality of network elements (Fig 1 element 14 A-C) being managed by an element management server (element 18 in Fig 1). Chisholm also discloses a system manager managing status information of all of the network elements (Col 5 lines 56-67). It would have been obvious to one of the ordinary skill in the art at the time of the invention to combine the management of a network from a remote location as disclosed by Barker, with the management of a number of network elements

as disclosed by Chisholm, where gathering status information would have to be repeated for each network element in order to maintain the status information of all of the elements. The motivation for this modification is to be able to remotely manage/maintain network elements.

Claim 15 Barker discloses a management computer connected to an element management server (Col 1 lines 25-35). The management computer retrieves status information obtained from the element management server (Col 5 lines 17-20). Barker does not specifically disclose repeating gathering status information for each remaining element manager.

Chisholm discloses a plurality of network elements (Fig 1 element 14 A-C) being managed by an element management server (element 18 in Fig 1). Chisholm also discloses a system manager managing status information of all of the network elements (Col 5 lines 56-67). It would have been obvious to one of the ordinary skill in the art at the time of the invention that each network element could be assigned their own manager, and furthermore it would have been obvious to modify the remote management computer as disclosed by Barker to manage the element management servers as discussed above. The motivation for this modification is to be able to remotely manage/maintain network elements.

Claim 16 Barker discloses a management computer connected to an element management server. (Col 1 lines 25-35). Barker also discloses an application processor (intermediary) for interfacing the element management server and the network element (Col 1 lines 55-65).

Barker discloses the network element being connected to a management agent application for performing maintenance. Barker also discloses command requests being issued and command acknowledgements (Col 1 lines 55-65).

Barker discloses a remote management computer issuing multiple commands to the element management server, and furthermore, the element management server responding to these commands (Col 1 line 66- Col 2 line 17). Barker discloses detailed status information being maintained for the network element (Col 4 lines 27-36 and Col 5 lines 17-20).

Barker does not specifically disclose the network element being a multiplexing element. However, Chisholm discloses a management system wherein any network element may be considered a multiplexing element (Col 4 lines 45-54).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to specify the network element as disclosed by Barker with a multiplexing element as disclosed by Chisholm. The motivation for this specification is to provide switching functions and transport network functions (Col 4 lines 45-54).

Claim 17 Barker discloses a remote management computer running a management application (software) as disclosed in Col 2 lines 18-33.

Claim 27 Barker discloses a remote management computer issuing multiple commands to the element management server (Col 1 line 66- Col 2 line 17). Barker also discloses an application processor (intermediary) for interfacing the element management server and the network element (Col 1 lines 55-65).

Furthermore, Barker discloses the element management server responding to the commands (Col 1 line 66- Col 2 line 17). Barker discloses detailed status information being maintained for the network element (Col 4 lines 27-36 and Col 5 lines 17-20).

Barker does not specifically disclose gathering status information for the fabric structure and the network element being a multiplexing element. However, Chisholm discloses maintaining an inventory table for a network element, and the system manager having summarized information concerning the identity and status of the network element and the element management server (Col 5 lines 56-66), where it would have been obvious to one of the ordinary skill in the art at the time of the invention that the combination of the element management server and network element compose the fabric structure, and that any network element may be considered a multiplexing element (Col 4 lines 45-54).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the maintenance of status information of the network element, with the maintenance of the element management server by a system manager as disclosed by Chisholm. The motivation for this modification is to maintain an inventory of status information (Col 5 lines 55-67).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Alspaugh et al (US 2004/0213189) discloses a communication system within a broadband system where a number of nodes are connected to form a mesh network. Alspaugh also discloses an element manager and a number of DSLAM's.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Grey whose telephone number is (571)272-3160. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571)272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Grey
Examiner
Art Unit 2667

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4/26/05

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